

Thomas N. Thompson (UT-03243)
Attorney at Law
312 South 500 East #4
Salt Lake City, Utah 84102
Telephone: (435) 714-9406
Email: tomtrilobite@live.com

*Attorney for Susannah W. Pollvogt
(Application for Admission Pro Hac Vice Pending)*

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ANIMAL LEGAL DEFENSE FUND, et al.,)	MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
Plaintiffs,)	
)	
)	
vs.)	Case No. 2:13-cv-00679-RJS-EIF
)	
GARY R. HERBERT, in his official capacity as Governor of the State of Utah; and SEAN D. REYES, in his official capacity as Attorney General of Utah,)	
Defendants.)	Judge Robert J. Shelby Magistrate Judge Evelyn J. Furse
)	

Susannah W. Pollvogt, an interested party herein, through her undersigned counsel of record, moves this Court for leave to file the attached amicus brief in support of Plaintiffs' Motion for Summary Judgment and in opposition to the Defendants' Motion for Summary Judgment.

STATEMENT OF INTEREST

Amicus Curiae, Susannah W. Pollvogt, is a law professor who has extensively researched and written about the doctrine of unconstitutional aminus. Plaintiffs and Defendants in this case offer different views of the doctrine, and Amicus has an interest in sharing her findings in the event it is helpful to the Court in its deliberations.

ARGUMENT

If given leave, Amicus will argue that the legislative history in this case reveals that (1) animal rights activists were the intended target of the challenged legislation; and (2) negative attitudes, fears, and hostility toward this group were at least part of the motivation behind the law. Pursuant to well-established Supreme Court precedent, this is, at a minimum, sufficient to trigger a more searching inquiry into whether the law serves general public purposes, or constitutes discrimination for its own sake – an unconstitutional harnessing of the public laws to target a disfavored group. Ultimately the State here cannot provide a non-discriminatory reason to single out animal rights activists for enhanced criminal liability and penalties where generally applicable laws already address the interests purportedly protected by the Utah Ag-Gag law. For these reasons, the Court should grant the Plaintiffs' Motion for Summary Judgment.

Accordingly, Amicus requests that the Court grant this motion and allow for the filing of the Brief of Amicus Curiae, attached hereto as Exhibit A, and a proposed Order is attached as Exhibit B.

DATED this 24th day of June, 2016.

/s/ Thomas N. Thompson
Thomas N. Thompson
Attorney for Susanna W. Pollvogt

CERTIFICATE OF SERVICE

I hereby certify that this 24th day of June, 2016, I electronically filed the foregoing Motion, using the CM/ECF system, which sent electronic notification to all counsel of record.
DATED this 24th day of June, 2016.

/s/ Thomas N. Thompson
Thomas N. Thompson